

AMENDED IN SENATE JUNE 2, 2015

**SENATE BILL**

**No. 326**

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**Introduced by Senator Beall**

February 23, 2015

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An act to amend Section 76000.10 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 326, as amended, Beall. Courts: penalties: emergency services funding.

Under existing law, the Emergency Medical Air Transportation Act, a penalty of \$4 is imposed upon every conviction for a violation of the Vehicle Code, or a local ordinance adopted pursuant to the Vehicle Code, other than a parking offense. Existing law requires the county or the court that imposed the fine to transfer the moneys collected pursuant to this act to the Emergency Medical Air Transportation Act Fund. Under existing law, the assessment of these penalties will terminate ~~commencing~~ on January 1, 2016, and any moneys unexpended and unencumbered in the Emergency Medical Air Transportation Act Fund on June 30, 2017, will transfer to the General Fund. Existing law repeals the Emergency Medical Air Transportation Act on January 1, 2018.

~~This bill would delete the repeal of the Emergency Medical Air Transportation Act, thereby extending its operation indefinitely. The bill would make conforming changes to extend the assessment of penalties pursuant to the act, and would delete the provision for transfer of residual moneys to the General Fund.~~

*This bill would extend the dates of the Emergency Medical Air Transportation Act, so that the assessment of the penalties will terminate commencing January 1, 2018, and any moneys unexpended and*

*unencumbered in the Emergency Medical Air Transportation Act Fund on June 30, 2019, will transfer to the General Fund. The bill would repeal the Emergency Medical Air Transportation Act on January 1, 2020.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 76000.10 of the Government Code is  
2     amended to read:  
3     76000.10. (a) This section shall be known, and may be cited,  
4     as the Emergency Medical Air Transportation Act.  
5     (b) For purposes of this section:  
6     (1) “Department” means the State Department of Health Care  
7     Services.  
8     (2) “Director” means the Director of Health Care Services.  
9     (3) “Provider” means a provider of emergency medical air  
10    transportation services.  
11    (4) “Rotary wing” means a type of aircraft, commonly referred  
12    to as a helicopter, that generates lift through the use of wings,  
13    known as rotor blades, that revolve around a mast.  
14    (5) “Fixed wing” means a type of aircraft, commonly referred  
15    to as an airplane, that generates lift through the use of the forward  
16    motion of the aircraft and wings that do not revolve around a mast  
17    but are fixed in relation to the fuselage of the aircraft.  
18    (6) “Air mileage rate” means the per-mileage reimbursement  
19    rate paid for services rendered by rotary-wing and fixed-wing  
20    providers.  
21    (c) (1) For purposes of implementing this section, a penalty of  
22    four dollars (\$4) shall be imposed upon every conviction for a  
23    violation of the Vehicle Code or a local ordinance adopted pursuant  
24    to the Vehicle Code, except parking offenses subject to Article 3  
25    (commencing with Section 40200) of Chapter 1 of Division 17 of  
26    the Vehicle Code.  
27    (2) The penalty described in this subdivision shall be in addition  
28    to the state penalty assessed pursuant to Section 1464 of the Penal  
29    Code. However, this penalty shall not be included in the base fine  
30    used to calculate the state penalty assessment pursuant to  
31    subdivision (a) of Section 1464 of the Penal Code, the state

1 surcharge levied pursuant to Section 1465.7 of the Penal Code,  
2 and the state court construction penalty pursuant to Section 70372  
3 of this code, and to calculate the other additional penalties levied  
4 pursuant to this chapter.

5 (d) The county or the court that imposed the fine shall, in  
6 accordance with the procedures set out in Section 68101, transfer  
7 moneys collected pursuant to this section to the Treasurer for  
8 deposit into the Emergency Medical Air Transportation Act Fund,  
9 which is hereby established in the State Treasury. Notwithstanding  
10 Section 16305.7, the Emergency Medical Air Transportation Act  
11 Fund shall include interest and dividends earned on money in the  
12 fund.

13 (e) (1) The Emergency Medical Air Transportation Act Fund  
14 shall be administered by the State Department of Health Care  
15 Services. Moneys in the Emergency Medical Air Transportation  
16 Act Fund shall be made available, upon appropriation by the  
17 Legislature, to the department to be used as follows:

18 (A) For payment of the administrative costs of the department  
19 in administering this section.

20 (B) Twenty percent of the fund remaining after payment of  
21 administrative costs pursuant to subparagraph (A) shall be used  
22 to offset the state portion of the Medi-Cal reimbursement rate for  
23 emergency medical air transportation services.

24 (C) Eighty percent of the fund remaining after payment of  
25 administrative costs pursuant to subparagraph (A) shall be used  
26 to augment emergency medical air transportation reimbursement  
27 payments made through the Medi-Cal program, as set forth in  
28 paragraphs (2) and (3).

29 (2) (A) The department shall seek to obtain federal matching  
30 funds by using the moneys in the Emergency Medical Air  
31 Transportation Act Fund for the purpose of augmenting Medi-Cal  
32 reimbursement paid to emergency medical air transportation  
33 providers.

34 (B) The director shall do all of the following:

35 (i) By March 1, 2011, meet with medical air transportation  
36 providers to determine the most appropriate methodology to  
37 distribute the funds for medical air services.

38 (ii) Implement the methodology determined most appropriate  
39 in a timely manner.

1 (iii) Develop the methodology in collaboration with the medical  
2 air providers.

3 (iv) Submit any state plan amendments or waiver requests that  
4 may be necessary to implement this section.

5 (v) Submit any state plan amendment or waiver request that  
6 may be necessary to implement this section.

7 (vi) Seek federal approvals or waivers as may be necessary to  
8 implement this section and to obtain federal financial participation  
9 to the maximum extent possible for the payments under this  
10 section. If federal approvals are not received, moneys in the fund  
11 may be distributed pursuant to this section until federal approvals  
12 are received.

13 (C) The director may give great weight to the needs of the  
14 emergency medical air services providers, as discussed through  
15 the development of the methodology.

16 (3) (A) Upon appropriation by the Legislature, the department  
17 shall use moneys in the Emergency Medical Air Transportation  
18 Act Fund and any federal matching funds to increase the Medi-Cal  
19 reimbursement for emergency medical air transportation services  
20 in an amount not to exceed normal and customary charges charged  
21 by the providers.

22 (B) Notwithstanding any other law, and pursuant to this section,  
23 the department shall increase the Medi-Cal reimbursement for  
24 emergency medical air transportation services provided that both  
25 of the following conditions are met:

26 (i) Moneys in the Emergency Medical Air Transportation Act  
27 Fund will cover the cost of increased payments pursuant to  
28 subparagraph (A).

29 (ii) The state does not incur any General Fund expense to pay  
30 for the Medi-Cal emergency medical air transportation services  
31 increase.

32 (f) *The assessment of penalties pursuant to this section shall*  
33 *terminate on January 1, 2018. Penalties assessed before January*  
34 *1, 2018, shall continue to be collected, administered, and*  
35 *distributed pursuant to this section until exhausted or until June*  
36 *30, 2019, whichever occurs first. On June 30, 2019, moneys*  
37 *remaining unexpended and unencumbered in the Emergency*  
38 *Medical Air Transport Act Fund shall be transferred to the General*  
39 *Fund, to be available, upon appropriation by the Legislature, for*

1 *the purposes of augmenting Medi-Cal reimbursement for*  
2 *emergency medical air transportation and related costs, generally.*

3 ~~(f)~~

4 (g) Notwithstanding the rulemaking provisions of Chapter 3.5  
5 (commencing with Section 11340) of Part 1 of Division 3 of Title  
6 2, the department may implement, interpret, or make specific this  
7 section and any applicable federal waivers and state plan  
8 amendments by means of all-county letters, plan letters, plan or  
9 provider bulletins, or similar instructions without taking regulatory  
10 action.

11 (h) *This section shall remain in effect only until January 1, 2020,*  
12 *and as of that date is repealed, unless a later enacted statute, that*  
13 *is enacted before January 1, 2020, deletes or extends that date.*

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